

PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 04-2912

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UNITED STATES OF AMERICA

v.

KENNARD GREGG,  
Appellant

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
D.C. Criminal No. 04-cr-00103  
(Honorable John R. Padova)

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Present: SCIRICA, Chief Judge,  
SLOVITER, ALITO, ROTH, McKEE, RENDELL, BARRY,  
AMBRO, FUENTES, SMITH, FISHER, VAN ANTWERPEN,  
and BECKER, Circuit Judges

**O R D E R**

A majority of the active judges having voted for rehearing *en banc* in the  
above appeal, it is ordered that the Clerk of this Court list the above case for rehearing *en  
banc* at 9:30 a.m. on Tuesday, November 1, 2005.

BY THE COURT,

/s/ Anthony J. Scirica  
Chief Judge

DATED: September 15, 2005

CLC\cc: Elaine DeMasse, Esq.    David L. McColgin, Esq.    Joseph G. Poluka, Esq.  
Robert A. Zauzmer, Esq.